



MEMO ENDORSED

November 3, 2023

VIA ECF

The Honorable Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

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Re: Nike, Inc. v. StockX LLC, No. 22 CV 00983 (VEC) (S.D.N.Y.)

Dear Judge Caproni:

Pursuant to Your Honor's Individual Rule 5(B)(ii), Plaintiff Nike, Inc. ("Nike") and Defendant StockX LLC ("StockX" and together with Nike, the "Parties") respectfully submit this joint letter requesting the sealed treatment of the Parties' *Daubert* opposition briefings to exclude proffered expert testimony (the "Oppositions").

In support of the Oppositions, the Parties each cite to material that has been designated confidential pursuant to the Stipulated Protective Order in this case (Dkt. No. 52), including expert reports and the transcripts of expert depositions.

As required by the Stipulated Protective Order and in accordance with Your Honor's practices, the Parties will file redacted public versions of the Motions and supporting materials where appropriate. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) ("[C]ourts in this District routinely seal documents to prevent the disclosure of a party's confidential or competitively sensitive business information."); *Regeneron Pharms., Inc. v. Novartis Pharma AG*, 2021 WL 243943, at *1 (S.D.N.Y. Jan. 25, 2021) (collecting cases).

In order to permit the Parties an opportunity to review the opposing Party's Opposition and exhibits, and confer with their clients regarding any necessary sealed treatment, the Parties jointly request that the Court approve the filing of the Oppositions under seal in the first instance and the following schedule for exchanging and filing proposed redactions: (1) the Parties shall exchange proposed redactions for their confidential information by Wednesday, November 8, 2023; (2) the Parties shall each file, under seal, their proposed redactions with the Court by Friday, November 10, 2023, along with a publicly-filed brief justifying sealed treatment. The Parties believe that this process will ensure any proposed redactions are judiciously applied and will permit the Parties the opportunity to adequately justify their proposals under *Lugosch v. Pyramid Co. of Onondaga*.



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Application GRANTED.

SO ORDERED.


11/03/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE